

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**Arturo Velazquez Rossete and Crescencio
Calva Cruz, individually and on behalf of all
others similarly situated,**

Plaintiffs,

-against-

Hong Kong Kitchen (USA) Inc. et al.,

Defendants.

USDC SDNY
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DOC #: _____
DATE FILED: 6/15/2023

1:22-cv-03049 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

This case contains one or more claims arising under the Fair Labor Standards Act. On April 11, 2023, an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (Order, ECF No. 42.) Following a settlement conference before the undersigned on May 17, 2023, the parties reached a settlement. The same day, the Court entered an Order directing the parties to submit the terms of settlement and a joint letter explaining why the settlement is fair, reasonable and adequate under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015), and providing the factual basis for any provision for attorney's fees. (See 5/17/2023 Order, ECF No. 45.) On June 14, 2023, the parties submitted their proposed settlement agreement and related papers. (6/15/2023 Motion, ECF No. 48.)

Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiff's individual claims as well as the risks and expenses involved in additional litigation. See *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012). In addition, Plaintiff seeks approval of \$28,083.66 in attorney's fees, which is

one-third of the total settlement amount after deducting \$749 in costs. (See 6/14/2023 Motion at 4; *see also* Billing Records, ECF No. 48-3 (showing lodestar of \$ 20,275.00).) “Contingency fees of one-third or less in FLSA cases are routinely approved in this Circuit.” *Aguilar v. Tacos Grand Cent., Inc.*, No. 21-CV-01963 (AT), 2023 WL 2644285, at *2 (S.D.N.Y. Mar. 27, 2023) (citing *Gonzales v. 27 W.H. Bake, LLC*, No. 15-CV-04161, 2018 WL 1918623, at *4 (S.D.N.Y. Apr. 20, 2018) (collecting cases)). “Additionally, courts regularly award lodestar multipliers from two to six times lodestar.” *Ramos v. DNC Food Serv. Corp.*, No. 19-CV-02967 (VS), 2022 WL 576300, at *2 (S.D.N.Y. Feb. 25, 2022) (citing cases). In line with that precedent, the Court finds that the requested attorney’s fees are fair and reasonable.¹

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Clerk of Court is respectfully requested to close this case.

SO ORDERED.

Dated: New York, New York
June 15, 2023



STEWART D. AARON
United States Magistrate Judge

¹ In reaching this conclusion, the Court makes no findings with respect to the reasonableness of counsel’s requested hourly rate, given that even a much lower rate would not result in a fee award outside of the acceptable range.